

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRANDON E. DOUGLASS,
Plaintiff,
vs.
MATT JOHNSON,
Defendant.

NO. CV-05-5112-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
ACTION WITHOUT PREJUDICE

Magistrate Judge Imbrogno filed a Report and Recommendation on December 30, 2005, recommending Mr. Douglass's action be dismissed without prejudice for failure to exhaust and *in forma pauperis* status be denied. There being no objections, the court **ADOPTS** the Report and Recommendation. The action is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust and the Application to proceed *in forma pauperis* (Ct. Rec. 2) is **DENIED**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward a copy to Plaintiff and close the file.

DATED this 1st day of February, 2006.

s/ Robert H. Whaley
ROBERT H. WHALEY
CHIEF UNITED STATES DISTRICT JUDGE